



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866**

July 12, 2002

Robert A. Lonergan, Vice President and General Counsel
Rohm & Haas Company
100 Independence Mall West
Philadelphia, PA 19106-2399

Re: Agreement for Berry's Creek Study SOW

Dear Bob:

Enclosed please find the Statement of Work for the Berry's Creek Study and a proposed agreement for funding of the Study by Rohm & Haas. We believe the documents incorporate the terms we have agreed upon. Please review the documents and, if acceptable, sign the agreement. We would appreciate a response by July 26, 2002.

It is our understanding that Rohm & Haas will not represent to other parties that EPA has agreed to pursue a non-Superfund approach for any future work at Berry's Creek. For its part, EPA has agreed to insert the following language into any information request letters that it sends:

Please be advised that EPA has been asked by one of the stakeholders with an interest in the Berry's Creek watershed to consider suggestions for additional approaches to protecting the environment and facilitating the use of environmental resources in that watershed beyond those traditionally used in connection with the Superfund program. The Superfund program is expected to be part of any approach to remediation and restoration of Berry's Creek; however, we are of course willing to consider any suggestions from private parties, state and/or local governments concerning additional alternatives. The information gathered pursuant to this information request will (except to the extent it may include confidential information or Privacy Act information) be available to any interested party for review.

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Thank you for your efforts in this matter.

Sincerely,

Clay Monroe
Assistant Regional Counsel

cc: Fred Anderson, Esq.
Larry Kirsch, Esq.
Walter Mugdan, Esq.
Seth Ausubel